

<b>CABINET</b>	<b>AGENDA ITEM No. 6</b>
<b>10 DECEMBER 2012</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Peter Hiller - Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officer(s):	Richard Kay – Group Manager Strategic Planning, Housing and Environment	Tel. 453475
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**FLOOD AND WATER MANAGEMENT SUPPLEMENTARY PLANNING DOCUMENT**

<b>RECOMMENDATIONS</b>	
<b>FROM :</b> Executive Director Operations	<b>Deadline date :</b> N/A
<p>1. That Cabinet adopts the Flood and Water Management Supplementary Planning Document (SPD).</p>	

**1. ORIGIN OF REPORT**

1.1 The Flood and Water Management Supplementary Planning Document (SPD) has been prepared following recent and forthcoming changes in legislation around flood and water management, the adoption of the Core Strategy and the expected adoption by Council on 5 December 2012 of the Planning Policies Development Plan Document (DPD).

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to ask Cabinet to adopt the Flood and Water SPD. The SPD will provide guidance to developers on flood and water management in Peterborough. It expands on overarching headline policy contained in the Council’s adopted Core Strategy and (assuming it was adopted on 5th December 2012) Planning Policies DPDs. The document has been subject to public consultation and has now been revised and updated accordingly ready for adoption.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, to take collective responsibility for the delivery of all strategic Executive functions within the Council’s Major Policy and Budget Framework and lead the Council’s overall improvement programmes to deliver excellent services.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>
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**4. FLOOD AND WATER MANAGEMENT SPD - BACKGROUND AND KEY ISSUES**

4.1 The SPD forms part of a package of work arising following the Flood and Water Management Act (FWMA) 2010, which made Peterborough City Council a ‘Lead Local Flood Authority’. The Council is now responsible for co-ordinating surface water management.

- 4.2 Flood risk management is high on the agenda in Peterborough. Ensuring that the drainage network and watercourses are managed appropriately, that sites are designed and constructed to drain well and that development is located in a safe environment are all key to reducing the likelihood and consequences of flooding in Peterborough.
- 4.3 It is predicted that the future will bring more frequent short duration, high intensity rainfall and more frequent periods of long-duration rainfall, meaning both river and surface water flooding are likely to be an increasing problem. Around two-thirds of the flooding across the country in summer 2007 was due to surface water (Environment Agency, 2007).
- 4.4 The council and all water management partners also have a responsibility under European legislation (the Water Framework Directive) to ensure there is no deterioration in the quality of any water environments.
- 4.5 The Council's adopted Core Strategy proposes a high level of growth in Peterborough up to 2026. The aims of the Flood and Water Management SPD are: to make sure that new development does not increase the risk of flooding or reduce water quality, but actively seeks to protect our environments; and to support and elaborate on adopted higher level policy relating to flood risk management and water quality.
- 4.6 The objectives of the SPD are to provide guidance to applicants and decision makers on:
- a. How to assess whether or not a site is suitable for development based on flood risk grounds.
  - b. Designing an appropriate site drainage system in Peterborough, using sustainable drainage measures
  - c. How development should contribute to protecting aquatic environments.
- 4.7 The broad thrust of the SPD is not to place additional burdens on developers, but rather to assist them in meeting existing adopted planning policy and wider statutory flood and water matters, such as those arising from the Flood and Water Management Act 2010 and Water Framework Directive.

## **5. CONSULTATION**

- 5.1 The Flood and Water Management SPD has been written in consultation with the Environment Agency, Anglian Water, Internal Drainage Boards and council officers.
- 5.2 Following Cabinet approval on 12<sup>th</sup> December 2011, formal public consultation was undertaken during February and March 2012 for a period of 6 weeks. All comments received (which were primarily from the key stakeholders referred to above) have been reviewed and the draft document amended as appropriate. In general terms, the SPD has been well received by key water management partners and is being used by them as 'model policy' when they have discussions with other local authorities on water related policies.
- 5.3 Further updates have also been made to take into account the latest national policy and guidance such as the National Planning Policy Framework.
- 5.4 The SPD was presented to the Planning and Environmental Protection Committee on 6<sup>th</sup> November and to the Growth and Environment Capital Scrutiny Committee on 8<sup>th</sup> November. It was well received by both groups. Some minor changes were suggested and these have been addressed.

## **6. ANTICIPATED OUTCOMES**

- 6.1 It is anticipated that Cabinet will approve and adopt the Flood and Water Management SPD.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 There is no statutory duty to prepare this SPD. However, without it, developers could be confused or misinformed as to how they can deliver fit-for-purpose development schemes in Peterborough that meet flood and water management requirements. This could have an impact on development coming forward as additional time would need to be spent on negotiating applications where flood or water management issues occur.
- 7.2 This policy document is supported by Peterborough's water management partners, improves current and future service delivery through the more efficient processing of planning applications and future drainage approval applications.
- 7.3 Overall, the document helps developers, helps deliver growth and helps achieve sustainable development.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 Option 1 (*Recommended*) – Adopt this SPD so that developers and water management partners have clear guidance and policy to assist development in meeting local, national and European flood and water management requirements. The SPD also allows planning and development to make a smoother transition to, and be better aligned in the long term with, the new sustainable drainage provisions to be commenced by government in 2013/4.
- 8.2 Option 2 – The Council could decide not to adopt this SPD and leave policy to be produced nationally. This would leave more areas of European and national policy open to wider interpretation which would reduce the efficiency of Peterborough's planning service. It could be harder for local considerations to be taken into account when developers try to meet national flood and drainage legislation. Working relations with water management partners would also be less efficient due to the lack of formal local agreement on water issues.
- 8.3 Option 3 - The Council could undertake another public consultation on the SPD. This would lead to a potential adoption date of summer/autumn 2013. In the interim there would be less clarity over the inclusion of drainage and water environment issues within planning applications. Development may struggle to understand what is expected of it by Peterborough City Council and other water management partners.

## **9. IMPLICATIONS**

- 9.1 The Flood and Water Management SPD is relevant to the whole unitary authority area and is aimed predominantly at developers and their agents.
- 9.2 This matter is directly linked to the Priorities of the Sustainable Communities Strategy, especially priorities relating to Growth and Environment Capital.
- 9.3 Once adopted, the document will become part of Peterborough's planning policy framework and will be used in the determination of planning applications.
- 9.4 The SPD is not intended to introduce new burdens (legal or financial) for the Council or developers, but instead provide guidance to assist with meeting the new obligations parties have under national and European legislation such as the Flood and Water and Management Act 2010 and the Water Framework Directive.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- The Peterborough Core Strategy Development Plan Document, adopted February 2011.
- The Peterborough Planning Policies Development Plan Document Submission Version (April 2012)
- Flood and Water Management Act 2010
- Water Framework Directive

- National Planning Policy Framework, March 2012
- Technical Guide to the National Planning Policy Framework, March 2012
- The Environment Agency's River Basin Management Guide to Hydromorphology no.6